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Paper No: 12

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**AUG 29 2003**

**OFFICE OF PETITIONS**

In re Application of  
Steven Teig  
Application No. 09/739,589  
Filed: December 15, 2000  
Attorney Docket No. SPLX.P0014

DECISION ON PETITION  
UNDER 37 CFR 1.137(b) AND  
NOTICE OF ABANDONMENT

This is a decision on the petition filed June 6, 2003, under 37 CFR 1.137(f) which is being treated under the unintentional provisions of 37 CFR 1.137(b), to revive the instant nonprovisional application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on February 13, 2002. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application.

Additionally, a non-final Office action was mailed to petitioner on January 2, 2003, setting a three-month shortened statutory period within which to submit a reply. A review of the file record discloses that a reply has, in fact, not been received in the USPTO. In view thereof, the application is abandoned for failure to reply to an outstanding office action. Petitioner must also supply a reply to the non-final Office action in order for this application to be revived.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
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**By hand:** Crystal Plaza Four, Suite 3C23  
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ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.



Marianne E. Morgan  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy